

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.21 OF 2025
WITH
ARBITRATION APPLICATION NO.23 OF 2025
WITH
ARBITRATION APPLICATION NO.24 OF 2025
WITH
ARBITRATION APPLICATION NO.25 OF 2025
WITH
ARBITRATION APPLICATION NO.26 OF 2025
WITH
ARBITRATION APPLICATION NO.27 OF 2025

Mohan Tolaram Kukreja ...Applicant
Versus
Sunil Tolaram Kukreja & Anr. ..Respondents

Mr. Ranjeev Carvalho a/w. Sakshi Agarwal i/b. Bipin Joshi,
Advocate for Applicant.

Mr. Lalan Gupta a/w. Anumeha Karnatak & Eeshan Sonak i/b.
Shardul Amarchand Mangaldas & Co., Advocate for Respondents.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 5, 2025

PC :

1. Each of the captioned proceedings is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*).
2. The Applicant and Respondent No.1 own 50% and 40% shares respectively in each of the distinct and separate partnership firms involved in each of the captioned proceedings. In each of such

partnership firms, the remaining 10% shares are held by two different parties, each holding 5% share. All such other partners are also family members.

3. By an Order dated January 23, 2025, in respect of an identically-placed partnership firm, consent of the parties was recorded to proceed to arbitration, and such consent formed the basis of disposal of Commercial Arbitration Petition No.28 of 2025, which was a Petition under Section 9 of the Act, along with an attendant Section 11 Application.

4. In the aforesaid backdrop, it would only be appropriate for the parties to approach the arbitral tribunal already appointed on January 23, 2025 and work on the framework by which the arbitration proceedings could be all encompassing, covering each partnership firm in which the Applicant and Respondent No.1 in today's captioned proceedings are collectively, 90% partners.

5. In the aforesaid circumstances, Learned Counsel for the Respondents in all these Applications submits that the parties will endeavour to execute a formal arbitration agreement framework before the Learned Arbitral Tribunal on the next occasion in the arbitration proceedings, which is I am informed is scheduled for this Saturday i.e. February 8, 2025.

6. In these circumstances, the parties are given liberty to approach the Learned Arbitral Tribunal appointed on January 23, 2025, to address the arbitral tribunal on how all these proceedings too could be encompassed within the ambit of the same arbitration proceedings, which is already underway.

7. With the aforesaid directions, list these matters, to apprise me as to what transpired on February 8, 2025 before the Learned Arbitral Tribunal, on ***February 10, 2025*** on the ***“Supplementary Board”***.

8. Learned Counsel for the Applicant submits that there are three more identically placed matters (with the Petitioner and Respondent No. 1 holding 50% and 40% respectively, and relatives owning 5% each of the remaining 10%), which are yet to be auto-listed under the Standard Operating System. The parties shall draw the attention of the arbitral tribunal to the disputes covered by those three other matters as well and cover the same in the scope of the arbitration proceedings.

9. On ***February 10, 2025***, the Registry is directed to list these three other matters too, namely, *Arbitration Application (L) No.36642 of 2024*, *Arbitration Application (L) No.36647 of 2024*, and *Arbitration Application (L) No.1120 of 2025* along with the captioned Applications.

10. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[SOMASEKHAR SUNDARESAN, J.]